

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CHARLES LEWITZKE,
Plaintiff,

v.

Case No. 07-C-817

**HELEN OF TROY LIMITED,
UNILEVER HOME & PERSONAL CARE USA,
WAL-MART STORES, INC.,
CENTERS FOR MEDICARE AND MEDICAID SERVICES,
and ABC INSURANCE COMPANY,
Defendants.**

ORDER

On September 10, 2007, defendants Helen of Troy Limited, Unilever Home & Personal Care USA and Wal-Mart Stores, Inc., removed this action from state court. In its notice of removal, these defendants noted that Centers for Medicare and Medicaid Services ("CMS") should be dismissed from this action, as plaintiff alleged only that CMS paid some of plaintiff's medical costs related to the case. After examining plaintiff's complaint, it is clear that defendants are correct that CMS should be dismissed.¹ The remaining defendants, save the fictitious defendant, have answered and therefore this case may proceed to scheduling.

For the reasons stated above,

IT IS ORDERED that Centers for Medicare and Medicaid Services is dismissed from this action.

IT IS FURTHER ORDERED that a telephonic scheduling conference will be held on **November 8, 2007 at 3:00 p.m.** The court will initiate the call. The participation of the attorney who will be handling the case is required.

¹If plaintiff wants to join CMS as an involuntary plaintiff or in some other way, he may do so in an amended complaint.

The parties should note Fed. R. Civ. P. 26(f), which requires that they confer with each other at least 21 days before the Rule 16(b) scheduling conference and file a written report of their proposed discovery plan within 14 days after their Rule 26(f) conference. The first paragraph of the joint Rule 26(f) report should state the date and time given above for the Rule 16(b) scheduling conference. The parties should also note Rule 26(a)(1), which requires (unless they agree otherwise) that they make their initial disclosures to each other within 14 days after their Rule 26(f) conference.

Dated at Milwaukee, Wisconsin, this 27 day of September, 2007.

/s _____
LYNN ADELMAN
District Judge